

Open Government Plan of the National Mediation Board

May, 2012

Pursuant to President Obama's initiative of 2009, this Plan identifies the approach of the National Mediation Board (NMB) to expand and improve access of NMB-centric information to the public, other government agencies and internally. This plan will be updated within two years: by April, 2014.

ABOUT THE NATIONAL MEDIATION BOARD

The National Mediation Board (NMB) performs a central role in facilitating harmonious labor-management relations within two of the nation's key transportation modes: U.S. the railroads and airlines.

As a very small and independent agency, the National Mediation Board is both proficient and constrained in its ability to execute its mission. Without the complexities of a CFO Act agency or other large agencies, the NMB finds it easier to track the pulse of its policies and operations and to be flexible enough to react quickly in addressing Presidential directives such as this Open Government initiative. With a very limited staff of fifty two (52) and similarly limited resources, the NMB must at all times, "do more with less". Nevertheless, the NMB has been proactive in creating opportunities for public input and collaboration; diligent and vigilant in its use of public monies and trust; and always at the leading edge of technology to promote effective dispute resolution and make information readily available to agency constituents, other government agencies and the general public.

The National Mediation Board was established by the 1934 amendments to the Railway Labor Act (RLA) of 1926. The NMB is headed by a three-member Board appointed by the President and confirmed by the Senate. The Board annually self-designates a Chairman.

Pursuant to the RLA, the Agency's integrated dispute resolution processes are designed to promote the following three goals, enabling the NMB to accomplish its statutory mandate to minimize work stoppages in the railroad and airline industries:

- the resolution of disputes arising out of the negotiation of new or revised collective bargaining agreements;
- the effectuation of employee rights of self-organization where a representation dispute exists; and
- the resolution of disputes over the interpretation or application of existing agreements.

For further information, please refer to the agency's website at www.nmb.gov and the NMB [Open Government Portal](#).

ABOUT THIS PLAN

This is a Plan that details expected NMB actions and timeline for incorporating the principles of the President's January 21, 2009, Memorandum on Transparency and Open Government into the core mission objectives and operations of the National Mediation Board.

This Plan reflects the current status of NMB initiatives and is open for review and input by senior policy, legal, and technology leadership within the agency as well as the general public and open-government experts. Avenues for NMB-Public dialog are provided on the [Participation page](#) of the NMB Open Government Portal.

The main components of this Plan are:

- a. **Transparency**, which provides the public with information about what the NMB is doing;
- b. **Participation**, which allows the public to contribute ideas and expertise to government policy making; and
- c. **Collaboration**, which encourages partnerships and cooperation within the Federal Government, across levels of government, and between the Government and private institutions.

Additionally, this Plan addresses in section 'd' a Flagship Initiative of the NMB and in section 'e' Public Involvement.

- a. **Transparency:** Steps the NMB will take to conduct its work more openly and publish its information online; how the NMB is currently meeting its legal information dissemination obligations pursuant to the Paperwork Reduction Act, Pub L. No. 104-13, section 3506(d); and how it plans to improve its existing information dissemination practices.
 - i. Updating and incorporating the following Transparency items, is an on-going process:
 - (1) an [inventory](#) of high-value NMB information (updated each January) is currently available for download;
 - (2) the fostering of the public's use of this information to increase public knowledge and promote public scrutiny of agency services; and
 - (3) identification of high-value information not yet available, establishing a reasonable timeline for publication online in open formats with specific target dates.

High-value information is information that can be used to increase agency accountability and responsiveness; improve public knowledge of the agency and its operations; further the core mission of the agency; create economic opportunity; or respond to need and demand as identified through public consultation.

- ii. Given that the NMB is a micro agency with a narrow and very specific mission under the Railway Labor Act, key audiences for NMB information and their needs are readily recognized. Consistent with statutory responsibilities and privacy, confidentiality, security, or other restrictions, the National Mediation Board has published high-value information on the NMB [website](#) in de facto forms and formats such as HTML, PDF, and Word.
- iii. Regarding transparency initiatives, the NMB has been using primarily website and press release announcements; pursuant to the Open Government initiative however, the NMB has developed and posted on the NMB website a comprehensive Open Government Portal, and the Board is also actively exploring integration of various other types of transparency technology into its work processes.

The NMB used **E-rulemaking** via the Federal Register in its 2010 proposed rulemaking regarding Election Procedures. The NMB does not administer Grant programs as tracked by Recovery.gov. Also, the National Mediation Board is not a CFO Act or other large agency that is reported on the [IT Dashboard](#) regarding USAspending.

- iv. The foremost approach of the NMB, not only to inform the public of proposed actions but also solicit public input, has been to publish notices of such activity in the [What's New](#) page of the NMB website and, when appropriate, in the Federal Register (i.e., E-rulemaking). Two high impact items currently posted include (1) an NMB proposal to modify representation election policy and procedures and (2) a review of the NMB by an independent Dunlop II Committee of labor relations leaders in the airline and railroad industries. Another E-rulemaking initiative concerning representation elections is expected to begin on May 15, 2012.
- v. The NMB has posted in its [Open Government Portal](#) under “Other NMB Web Pages” a link to a page that shows how the NMB is meeting its existing records management requirements pursuant to 36 CFR Subchapter B – [Records Management](#). These requirements serve as the foundation for NMB’s records management program, which includes such activities as identifying and scheduling all electronic records,¹ and ensuring the timely transfer of all permanently valuable records to the National Archives.

The NMB became the first Federal agency to achieve a Paperless Records Management System. See the NMB Press Release: [PR 1-19-2007](#)

- vi. NMB has website pages and an electronic Reading Room for all things FOIA: <http://www.nmb.gov/publicinfo/foia.html>

¹ E-Government Act of 2002, Pub L. No. 107-347, section 207(e).

- vii. NMB has posted in its Open Government Portal a website page for [Congressional & Public Information Requests](#).
 - viii. The National Mediation Board does not have information classified pursuant to Executive Order 12958, Classified National Security Information.
- b. **Participation:** To create more informed and effective policies, the NMB has traditionally and proactively promoted opportunities for the public to participate in key decision-making processes. Pursuant to the President's directive, the NMB has already implemented on the NMB website an Open Government Portal which links to a Participation page with numerous NMB contacts and participation paths.
- i. Internet users can access NMB's Open Government Participation page by [clicking here](#).
 - ii. The NMB continuously reviews various Internet applications, feedback mechanisms and other innovative communication tools that may create new and easier methods for public engagement.
- c. **Collaboration:** The core mission of the NMB has been to collaborate with labor relations officials to facilitate harmonious labor-management relations within two of the nation's key transportation industries in order to accomplish its statutory mandate to minimize work stoppages in the railroad and airline industries. Since its creation in 1934 under the Railway Labor Act, the NMB has endeavored to improve its collaboration efforts and channels. The NMB coordinates with other government agencies, private and government associations, and academic institutions to share and learn about new developments in dispute resolution. The NMB hosts or co-sponsors relevant conferences.

The NMB has used or is using collaboration technologies such as as follows:

E-rulemaking in proposed rulemaking regarding Election Procedures.

Team Collaboration Tools to facilitate collective-bargaining negotiations, problem-solving and decision-making among and between labor organizations and carriers, intergovernmental communication and to better manage the internal functions of this agency.

Virtual Whiteboards in conjunction with its web conferencing tools to support online arbitration, and **Charting** to enable remote meeting participants to more effectively engage with each other.

Open source and online mind mapping tools to support internal collaboration, problem solving and decision making, as well as to facilitate similar process functions between and among agency constituents.

Secure Blogging and Online Chat hosted in online team collaboration workspaces to enable agency constituents to securely and asynchronously communicate between each other and with agency staff.

Online Conferencing primarily for Grievance Arbitration sessions in order to redirect limited agency funding from travel costs to arbitration hearings and decision making.

- i. Various technologies currently posted on the NMB Open Government - Participation Technologies [page](#) include platforms to improve collaboration among people within and outside of the National Mediation Board. A separate page specifically for collaboration technologies is already available on the NMB [ADR Services](#) web page.
 - ii. Regarding descriptions of and links to appropriate web pages where the public can learn about existing collaboration efforts of the NMB, see section iii. Above.
 - iii. This Plan should include innovative methods to obtain ideas from and to increase collaboration with those in the private sector, non-profit, and academic communities. The NMB utilizes Committees comprised of recognized labor relations experts, public hearings and direct comments and suggestions by air and rail practitioners and the general public.
- d. **Flagship Initiative:** An initiative the NMB is currently implementing or will be implemented within one year that promotes the President's objective of an Open Government.
- i. The Initiative: NMB Mediation Workspaces (CDW)

Overview of the initiative:

The NMB procured a service license for Central Desktop (CDW). Using CDW, the NMB provides online workspaces to airline and railroad management and union representatives for the purpose of tracking proposals and sharing information pertinent to the collective negotiation of wages, benefits and working conditions.

- ii. Users of CDW communicate suggestions for modifications and improvements directly to mediators assigned to their mediation cases.

- iii. A primary function of the National Mediation Board is to assist U.S. airlines and railroads subject to the Railway Labor Act in reaching labor agreements with the labor representatives of the employees of these transportation carriers. The NMB has and will continue to further this objective with the use of CDW.
- iv. The NMB will measure improvements of this initiative as follows:

The NMB will track usage of and seek feedback on the effectiveness of its Central Desktop Program. Modifications will require approval by the Director of Mediation.
- v. As a micro agency, the NMB has been able to respond quickly to Presidential initiatives such as Open Government. The agency's Open Government Portal provides comprehensive access to steps the NMB has already taken to promote, enhance and improve the Open Government.
- e. **Public and Agency Involvement:** Beyond communication that has already occurred over the years, especially the last ten years, the NMB will continue to make public dialog and employee engagement an integral part of the agency's periodic review and modification of its plan.